WESTERN STATES WATER COUNCIL

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Secretary Mike Johanns
U.S. Department of Agriculture
Room 200-A Whittenburg Building
1400 Independence Avenue, SW
Washington, DC 20250

Dear Secretary Johanns:

The WSWC appreciates the opportunity to respond to your Federal Register notice requesting comments on the scope of a potential 2007 Farm Bill. The Western States Water Council has a keen interest in reauthorization of the Farm Bill, particularly those conservation and other provisions that affect or have the potential to affect water management in the West. As a former western governor, you are well aware of the water supply and water quality management challenges that are facing western states. Agriculture, rural communities, growing metropolitan areas, recreation-related interests and fish and wildlife often struggle to find sufficient water of adequate quality to meet their needs. Recurring drought only exacerbates the perennial problems related to water scarcity. In some areas, all existing uses may no longer be sustainable as ground water levels and spring flows decline and rivers and streams dry up. Further, the continuing evolution of non-point source pollution control programs presents the agricultural community with new regulatory challenges.

Agriculture has played and will continue to play an important role in the western states. The eighteen states that are members of the Council stand ready to work with producers, agricultural water user associations, and agricultural water districts to help them ensure the continued reliability of their water supplies and comply with federal and state water quality regulations. Our member states are also committed to working with rural communities to help them improve the reliability and quality of their drinking water supplies. We would encourage the inclusion of state water planning and management, water rights administration, and water pollution control agency representatives on USDA state technical committees.

Any successful strategy for meeting our future water needs will require a mix of various incentives to promote greater water conservation and reduce use, while increasing available supplies and providing more storage to help us get through temporary shortages. This may require a shift in uses and a reallocation of some water rights, which must be accomplished in complete compliance with both substantive and procedural requirements of state water law pertaining to water right transfers and the subsequent administration of transferred water rights.

Maintaining agricultural production and rural economies while accommodating other growing needs and uses will be challenging and the programs and resources provided through the Farm Bill should be used to help western producers, rural communities, and states address problems related to both the quantity and quality of our water resources. The reauthorization of the Farm Bill in 2007 will present an important opportunity to help producers sustain their operations while also encouraging and

facilitating better stewardship of our water resources. In this regard, the Council desires to forge a closer partnership with USDA in addressing water issues.

The following comments address a number of opportunities where the Administration and the Congress may act to encourage better water management.

First, water conservation and the management of agricultural drainage to protect both surface and ground waters must be national priorities, separate and distinct from the existing priority for the control of non-point source pollution of water. These priorities should be specifically included in Commodity Credit Corporation regulations for financial assistance under the Environmental Quality Improvement Program (EQIP). Similarly, contracts should generally be tailored on a case-by-case basis to achieve net water savings by reducing total water use. In this regard, water conservation benefits must be evaluated in view of their cumulative impact on surface and ground water supplies. This generally requires a site or case specific analysis, as not all efficient water application practices actually result in a reduction in total water use, and in some instances can reduce water supplies available for other uses.

Second, EQIP's Surface and Ground Water Conservation Program should be expanded and funded at a level sufficient to meet the demand for related contracts. The 2002 Farm Bill added this program to provide cost-share payments, incentive payments, and loans to producers to carry out eligible water conservation activities including: (1) improvements to irrigation systems; (2) enhancement of irrigation efficiencies; (3) conversion to the production of less water-intensive agricultural commodities; (4) conversion to dryland farming; (5) improvement of the storage of water through measures such as water banking and ground water recharge; or (6) mitigation of the effects of drought. The benefits of such action have yet to be fully realized. The Secretary is to provide EQIP assistance to a producer only if it will facilitate a conservation measure that results in a "net savings" in ground water or surface water resources in the agricultural operation of the producer. However, on-farm savings may or may not result in a reduction in total water use, when measured off-farm, given the overall impact on ground water levels or surface streamflows. More efficient on-farm water use can in some instances lead to even greater overall water use as producers seek to apply more water on existing acreage or expand their acreage to increase production.

Third, it is important to recognize that salt is the single most common water pollutant across the West, and one that can have serious impacts on continued agricultural productivity. The 2007 Farm Bill must provide authorizations and funding for salt management activities. For example, the Colorado River Salinity Control Program is successfully managing this threat to the water supply of some 26 million residents of the Southwest in Arizona, Nevada and California. While authorized by separate legislation, it is funded under the EQIP program through an earmark, and should continue to be funded at its FY06 level.

Fourth, an additional western water quality priority related to agricultural activities is selenium impacts. Much like salinity, the source of selenium typically is native shale, although human disturbance can exacerbate the quantity of selenium reaching western streams. The EQIP program should also give priority to projects that result in selenium control, particularly where necessary to

achieve compliance with water quality standards. This topic has been the subject of recent discussions between federal, state and local interests involved with selenium control efforts.

Fifth, western states are concerned with the apparent difficulty in getting EQIP funds to address problems related to Confined Animal Feeding Operations (CAFOs), in spite of the fact that nonpoint source water pollution control is an existing national EQIP priority. Moreover, USDA, EPA and states should work in partnership to coordinate activities under EQIP, Section 319 of the Clean Water Act and state water quality related programs so as to help producers come into compliance.

Sixth, the Conservation Reserve Program (CRP), Conservation Reserve Enhancement Program (CREP), Wetlands Reserve Program (WRP) and Wetlands Reserve Enhancement Program (WREP) have all proven to be popular and effective tools for promoting stewardship, and offer great promise in helping address water management issues. About two-thirds of our member states have or are in the process of signing CREP agreements with USDA. Nebraska recently entered in to an agreement to use CREP contracts to reduce ground water use in order to comply with a negotiated settlement of a dispute over compliance with the Republican River Compact. Similar approaches to the use of CRP-related programs to help solve water problems should be encouraged. In this regard, the Council recommends that acreage and funding caps for the CRP, WRP, CREP, and WREP be increased over the levels now contained in the 2002 Farm Bill. In general, CRP programs should carefully consider and give priority to enrolling lands where ground water levels and surface water resources are stressed. Reducing overall depletions of surface and ground water would lead to more sustainable use and long-term economic and environmental benefits.

Further, the 2007 Farm Bill should authorize CREP enrollment of irrigated lands that could be converted to dryland farming. While irrigated lands are not excluded from participation in CRP programs, relatively few contracts have been executed due to cost and other considerations. Moreover, retiring irrigated lands may not be the best alternative as much of this land may not be suitable for native grasses, but could be dry farmed with the possibility of greater benefits for water conservation and aquifer sustainability in certain areas of the West. Dryland farming would also provide for some additional income for farmers and would assist the local economy more than retiring the land from all production. Additionally, the existing statute should be amended to permit the Secretary to target and prioritize enrollment of lands in a CREP or WREP to best achieve the goals for which a CREP or WREP was established.

Seventh, in the interest of better integrating state water management technical expertise with NRCS' delivery of USDA programs to producers, we recommend that the 2007 Farm Bill authorize NRCS to fund state agencies to work with producers and local water agencies or conservation districts to help develop regional water management programs and projects.

Eighth, invasive non-native species are a growing problem for western water users and should receive greater emphasis and funding for control under Farm Bill conservation programs. Salt cedar (*tamarisk spp.*) has invaded some 1.2 million acres of riverbanks in the West according to USDA estimates. The trees displace native vegetation and wildlife habitat, consume large amounts of water, degrade water quality, increase soil salinity, and increase threats from fires and floods. Similarly, other invasives such as purple loosestrife, hydrilla, eurasian water milfoil, caulerpa, giant salvinia,

common water hyacinth, zebra mussels, New Zealand mud snails, Chinese mitten crabs, European green shore crabs and other non-indigenous fish and mollusk species compete for food and habitat. Through competition and predation, these species have a tremendous negative impact on threatened and endangered native species, and also impact western water management. We ask that USDA conservation programs explicitly recognize the need to control non-native nuisance species and help producers do so.

Ninth, we recommend that the research and development authorizations in the 2007 Farm Bill include an emphasis on water-related research activities that will benefit agricultural water users. Such research could include effects of climate change on water supplies and evapotranspiration, use of weather modification for supply enhancement and suppression of hail, water conservation technologies, agricultural drainage water treatment technologies, affordable desalination and treatment of brackish waters, and salt tolerant crops, etc.

Tenth, small rural communities are the most at risk with respect to a wide range of drinking water problems, including inadequacy of their existing surface or ground water supplies, contamination from pollution, and difficulty complying with Safe Drinking Water Act regulations. Authorized appropriations for the 2007 Farm Bill should be increased over current levels to provide a safety net for America's most at-risk communities through the Emergency Community Water Assistance Grant Program for Small Communities. Further, USDA Rural Development's Rural Utilities Service (RUS) should be authorized to fund state agencies to work with rural water systems to bring them into compliance with federal and state drinking water regulations. Similarly, RUS should have the same authority to fund state agency programs as it does for non-profit organizations in providing support to rural water systems through the Rural Water Circuit Rider Program, in coordination with rural water associations.

We appreciate the opportunity to comment on these matters related to the 2007 Farm Bill and we hope to forge a closer working partnership with USDA in addressing water needs.

Sincerely,

Hal Simpson, Chairman
Western States Water Council

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